

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

FILED

APR - 1 2004

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

SCOTT W. ANDREWS and
PAUL TALLMAN, SR.

Plaintiffs,

v.

Civil Action No. 2:03-2237

CITY HOLDING COMPANY, CITY
NATIONAL BANK OF WEST VIRGINIA,
JACK ALLEN, JACK BAZEMORE,
SAMUEL BOWLING, PHILLIP CAIN,
D.K. CALES, MATTHEW CALL,
HUGH CLONCH, OSHEL CRAIGO,
STEVEN DAY, WILLIAM DOLIN,
WILLIAM FILE, ROBERT D. FISHER,
SCOTT GIBSON, JAY GOLDMAN,
ROBERT GRIST, DAVID HADEN,
DAVID HAMBRICK, FRANK HARKINS,
CARLIN HARMON, ROBERT HENSON,
TRACY HYLTON, II, CAROL KABLE,
C. DALLAS KAYSER, BARRY KEMERER,
JACK KLIM, THOMAS LILLY,
TIMOTHY MANCHIN, CLARENCE MARTIN,
CURTIS McCALL, PHILLIP McLAUGHLIN,
HAROLD PAYNE, E.M. PAYNE, III,
PAT REED, JAMES ROSSI, R.T. ROGERS,
SHARON ROWE, MARK SCHAUL,
MICHAEL SELLARDS, CHARLES SMITH,
JAMES SONGER, ALBERT TIECHE,
PAUL TURMAN, II, CECIL WILLIAMS,
and MARY WILLIAMS,

Defendants.

UNITED STATES MOTION TO DISMISS

Comes now the United States of America ("United States"), by
counsel, and hereby moves the court for the entry of an order
dismissing this action as moot based on the representations of
plaintiffs' counsel that the underlying shareholder derivative
action pending in the Circuit Court of Kanawha County, West

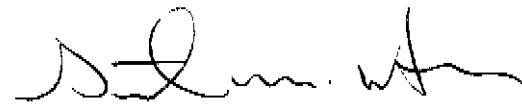
Virginia, has been resolved. A copy of that letter is attached hereto and incorporated herein as Exhibit A.

Wherefore, the United States prays this court dismiss this action on the grounds set forth herein.

Respectfully submitted,

KASEY WARNER
United States Attorney

By:



STEPHEN M. HORN
Assistant United States Attorney
P.O. Box 1713
Charleston, WV 25326
(304) 345-2200

March 5, 2004

Honorable John T. Copenhaver, Jr.
United States District Judge
United States Courthouse
300 Virginia Street, East
Charleston, WV 25301



ATTORNEYS AT LAW
Guy R. Bucci
Timothy C. Bailey*
L. Lee Javins
J. Kristofer Cormany
Carrie L. Webster
* ALSO ADMITTED IN KENTUCKY

RE: Tallman, et al. v. City Holding Company, et al.
Civil Action No. 2: 03-2237

Dear Judge Copenhaver:

This letter is to advise the Court that all matters in controversy in the Kanawha County Circuit Court in the underlying shareholder derivative action have been resolved.

Obviously the resolution of this action renders moot that portion of the case which was removed to your court. I expect that Mr. Horn will prepare any required appropriate order.

Please let me know if there are any questions. Thank you.

Sincerely yours,

Guy R. Bucci

GRB:kkp

cc: Honorable Jennifer Bailey Walker, Judge
John J. Polak, Esquire
James Farnham, Esquire
Martin R. Smith, Esquire
Ancil G. Ramey, Esquire
Stephen M. Horn, Asst. U.S. Attorney
Carl S. Kravitz, Esquire



CERTIFICATE OF SERVICE

I hereby certify that service of "UNITED STATES MOTION TO DISMISS" was made this 1st day of April, 1, 2004, by mailing a true copy properly addressed thereof to the following:

Timothy C. Bailey, Esq.
Guy R. Bucci, Esq.
Bucci Bailey & Jarvis, LC
P.O. Box 3712
Charleston, WV 25337
Fax: 345-0375


Carl S. Kravitz, Esq.
Zuckerman Spaeder, LLP
1201 Connecticut Avenue, NW
Washington, DC 20036-2638
Fax: 202-822-8106

Martin R. Smith, Jr., Esq.
Smith & Thompson
900 Lee Street
Huntington Square, Suite 804
Charleston, WV 25339
Fax: 343-6839

Ancil Ramey, Esq.
Steptoe & Johnson
P.O. Box 1588
Charleston, WV 25326
Fax: 353-8180

John Polak, Esq.
Atkinson, Mohler & Polak, PLLC
P.O. Box 549
Charleston, WV 25322
Fax: 346-4678

James Farnham, Esq.
Stacy M. Colvin, Esq.
Hunton & Williams
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219-4074
Fax: 804-788-8218



STEPHEN M. HORN
Assistant United States Attorney